REMARKS

The Applicant hereby traverses the current rejections, and requests reconsideration and withdrawal of such in light of the remarks contained herein. Claims 1-5, 7, 9-10, and 19-20 are pending in this application.

Rejection under 35 U.S.C. § 112, first paragraph

Claim 10 is rejected under 35 U.S.C. § 112, first paragraph, "because the specification does not reasonably provide enablement for a molded encapsulation layer with the stated beam divergence characteristic and discrete transitions." (*see* Current Action, paragraph 3). In the Current Action, the Examiner opines "the specification does not discuss a molded cup with walls having discrete transitions AND an elliptical shape such that a molded layer reduces a difference in beam divergence between a fast-axis and a slow-axis of an emitter." (*see* Current Action, paragraph 4).

The Applicant respectfully directs the Examiner's attention to paragraph [0014] of the present application, which reads in part: "The cups may possess an elliptical shape....The walls may be substantially linear [or] the walls may possess a plurality of discrete transitions." The Applicant also directs the Examiner's attention to paragraph [0016], which reads in part: "...the shape of the cup may be elliptical. When the shape of the cup is elliptical, the lens of the encapsulation layer be my formed in an elliptical manner also....Accordingly, embodiments enable an elliptical lens in the encapsulation layer to partially compensate for the difference in divergence in the two [fast and slow] axes. Specifically, the radius of curvature associated with the fast-axis may be greater than the radius of the curvature associated with the slow axis thereby causing the difference in the divergence to be reduced." Finally, a molded cup having an elliptical shape is explicitly referenced in the drawings, specifically at: [Fig. 2, 202] and [Fig. 1, 102].

The Applicant submits that the references above clearly discuss a molded cup with walls having discrete transitions [or being substantially linear, for that matter] and having an elliptical shape. As such, the specification does enable one of ordinary skill in the art to make and use the claimed invention as described in the specification and drawings.

Therefore, the Applicant respectfully requests that the 35 U.S.C. § 112, first paragraph rejection of record be withdrawn.

Rejection under 35 U.S.C. § 102(b)

Claims 1, 3, 5, 7, and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,355,946 to Ishinaga (hereinafter "Ishinaga").

"Anticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984); *citing Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983).

Claim 1 requires "a molded encapsulation layer...wherein said molded encapsulation layer is shaped to direct light emitted by said emitter such that the molded encapsulation layer reduces a difference in beam divergence between a fast-axis and a slow-axis of said emitter." In the Current Action, the Examiner opines that an elliptically shaped cup [of Inshinaga] satisfies this limitation. Specifically, the Examiner states "the molded encapsulation layer (50) is elliptical since the cup in which it is formed is elliptical; therefore Ishinaga meets this limitation." (see Current Action, paragraph 7). The Applicant respectfully submits that Inshinaga does not teach this claim limitation. Rather, Inshinaga describes an "elongated transverse section, which may be oblong, elliptical, rhombic, or rectangular." (Inshinaga, col. 2, lines 24-26). Inshinaga also provides that an "inner wall surface gives an elliptical appearance, while as viewed in two vertical sections intersecting at right angles, it gives an appearance of a quadric curve." (Inshinaga, col. 4, lines 36-40). Moreover, the oblong or elliptical elongated transverse section, as provided by Inshanaga, has an exterior surface forming a planar surface in combination with casing 52. (Inshanaga, figs. 3-5). The Applicant submits that the oblong or elliptical elongated transverse section, which forms a planar surface with an outer casing, is not the same as a molded encapsulation layer shaped to direct light such that the molded encapsulation layer reduces a difference in beam divergence between a fast-axis and a slow-axis as required by claim 1. Therefore, the Applicant respectfully requests that the 35 U.S.C. § 102(b) rejection of record be withdrawn.

Claims 3, 5, 7, and 9 depend from base claim 1, and thus inherit all limitations of claim 1. Each of claims 3, 5, 7, and 9 set forth features and limitations not recited by Inshinaga. Thus, the Applicant respectfully asserts that, for at least the reasons set forth above with respect to claim 1, claims 3, 5, 7, and 9 are patentable over the 35 U.S.C. § 102(b) rejection of record.

Rejection under 35 U.S.C. § 102(e)

Claims 1, 2, 3, 5, 7, and 9 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,355,946 to Matsubara et al. (hereinafter "Matsubara").

"Anticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984); *citing Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983).

Claim 1 requires "a molded encapsulation layer...wherein said molded encapsulation layer is shaped to direct light emitted by said emitter such that the molded encapsulation layer reduces a difference in beam divergence between a fast-axis and a slow-axis of said emitter." In the Current Action, the Examiner claims that Matsubara satisfies this limitation. Specifically, the Examiner opines that "the difference in beam divergence between the fast-axis and slow-axis is reduced since Matsubara makes it clear that light parallel to the substrate surface (3), or in the slow-axis direction, is radiated (3) perpendicular to the substrate surface, or in the fast-axis direction due to the cup (column 8, lines 4-10)." (Current Action, paragraph 13). The Applicant submits that Matsubara does not teach this claim limitation. Rather, at column 8, lines 4-10, Matsubara merely describes a reflector 8 that reflects the substrate's fluorescence in the direction parallel to the LED surface...whereby the directivity of the fluorescence light has been varied significantly." (Matsubara col. 8, lines 5-10). The Applicant respectfully points out that varying the directivity of light by use of a reflector is not the same as a molded encapsulation layer shaped to direct light such that the molded encapsulation layer reduces a difference in beam divergence between a fast-axis and

a slow-axis as required by claim 1. Therefore, the Applicant respectfully requests that the 35 U.S.C. § 102(e) rejection of record be withdrawn.

Rejection under 35 U.S.C. § 103(a)

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishinaga in view of U.S. Patent No. 6,638,780 to Fukasawa et al (hereinafter "Fukasawa").

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Without admitting that the first or second criteria are satisfied, the Applicant respectfully asserts that the combination of Ishinaga and Fukasawa fails to teach or suggest each limitation of the Applicant's claimed invention.

Claim 4, which depends from claim 1, requires a molded encapsulation layer shaped to direct light such that the molded encapsulation layer reduces a difference in beam divergence between a fast-axis. As shown above, Ishinaga fails to teach or suggest this claim limitation. Moreover, the Examiner does not rely upon Fukasawa to teach or suggest this claim limitation. As such, the Examiner's proposed combination fails to teach or suggest each claim limitation of Applicant's invention. Therefore, the Applicant respectfully requests that the 35 U.S.C. § 103(a) rejection of record be removed.

Claims 4, 19, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsubara in view of Fukasawa.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *See* M.P.E.P.

§ 2143. Without admitting that the first or second criteria are satisfied, the Applicant respectfully asserts that the combination of Matsubara and Fukasawa fails to teach or suggest each limitation of the Applicant's claimed invention.

Claim 4, which depends from claim 1, requires a molded encapsulation layer shaped to direct light such that the molded encapsulation layer reduces a difference in beam divergence between a fast-axis. As shown above, Matsubara fails to teach or suggest this claim limitation. Moreover, the Examiner does not rely upon Fukasawa to teach or suggest this claim limitation. As such, the Examiner's proposed combination fails to teach or suggest each claim limitation of Applicant's invention. Therefore, the Applicant respectfully requests that the 35 U.S.C. § 103(a) rejection of record be removed.

Claim 19 requires a molded encapsulation layer shaped to direct light such that the molded encapsulation layer reduces a difference in beam divergence between a fast-axis. As shown above, Matsubara fails to teach or suggest this claim limitation. Moreover, the Examiner does not rely upon Fukasawa to teach or suggest this claim limitation. As such, the Examiner's proposed combination fails to teach or suggest each claim limitation of Applicant's invention. Therefore, the Applicant respectfully requests that the 35 U.S.C. § 103(a) rejection of record be removed.

Claim 20 depends from base claim 19, and thus inherits all limitations of claim 19. Claim 20 sets forth features and limitations not taught or suggested by the combination of Matsubara and Fukasawa. Thus, the Applicant respectfully asserts that, for at least the reasons set forth above with respect to claim 19, claim 20 is patentable over the 35 U.S.C. § 103(a) rejection of record.

In view of the above remarks above, the Applicant believes the pending application is in condition for allowance. The Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-1078, under Order No. 70020976-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail, Airbill No. EV629199482US in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: October 11, 2005

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Respectfully submitted,

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